

MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**

**DATE:** Friday, March 17, 2017

**TIME:** 9:00 A.M.

**PLACE:** Room EW42

**MEMBERS:** Chairman Gibbs, Vice Chairman Gestrin, Representatives Moyle, Raybould, Shepherd, Wood, Boyle, Vander Woude, Miller, Burtenshaw, Mendive, Youngblood, Kauffman, Giddings, Blanksma, Erpelding, Rubel, Jordan

**ABSENT/  
EXCUSED:** Representative(s) Wood, Youngblood, Giddings, Rubel, Jordan

**GUESTS:** Garrick Baxtor and Matt Weaver, Idaho Department of Water Resources; Jonathan Oppenheimer, Idaho Conservation League

**Chairman Gibbs** called the meeting to order at 9:02am.

**H 292:** **Matt Weaver**, Deputy Director, Idaho Department of Water Resources, stated this legislation amends **42-202A**, Idaho Code, creating three exceptions to the mandatory permit requirement for temporary uses of water exceeding the 5 acre foot limit. He stated the first exception would authorize the Director to allow the diversion of water to prevent flood damage. The second exception would authorize the Director to allow the use of unanticipated high flows for the purpose of ground water recharge, and the third exception would allow the Director to authorize the use of water for remediation in response to state or federal health and safety requirements. Mr. Weaver stated these uses shall not constitute a water right and shall be for less than one year in duration.

In response to questions, **Mr. Weaver** stated in years like this where there is a surplus of water, using a canal to divert water to avoid flooding is considered an emergency use and would not be considered a use of the canal owner's water rights. Additionally, this legislation would allow a landowner or an entity, who normally doesn't have water rights, the ability to apply for temporary rights to use surplus water to recharge or for remediation purposes.

**Chairman Gibbs** requested the record reflect that no one came forward to testify on **H 292**.

**MOTION:** **Rep. Moyle** made a motion to send **H 292** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Burtenshaw** will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the committee, the meeting adjourned at 9:19am.

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Representative Gibbs  
Chair

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Tracey McDonnell  
Secretary